

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as process of making and product made and that the product, as claimed, can be made by another and materially different process under M.P.E.P. §806.05(f) by creating a layer of glass and then placing a transparent electrode on a layer of glass and performing the firing.

However, it can be seen that the inventions of Groups I and II are not related as process of making and product made, but as product and process of using under M.P.E.P. §806.05(h). Further, the process of using the product, as postulated by the Examiner, would not result in covered electrodes, since the transparent electrodes would be placed on the layer of glass and the firing would cause the layer of glass to form a uniform layer underneath the transparent electrodes and not result in the formation of transparent electrodes which are covered by a layer of glass as in the process claims of Group II. Since the Examiner has not met the requirement of M.P.E.P. §806.05(h) by setting forth a materially different process for using the product of Group I, it is submitted that the restriction requirement should be withdrawn and all claims examined in the present application.

Further, if the claims of Group I are ultimately found allowable, it is requested that the claims of Group II be rejoined under M.P.E.P. §821.04 and allowed in the present application also.

Finally, Applicants traverse the restriction requirement on the grounds that the Patent and Trademark Office has not shown that a burden exists in searching all of the claims. Applicants point out that thousands new U.S. patents have issued in which many more than two subclasses have been searched, and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

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Reply to Restriction Requirement of August 16, 2004

Accordingly, for the reasons presented above, Applicants submit that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

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